IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 459 of 2007()

CR.NO.104/06 OF NEDUMANGAD EXCISE RANGE.

: PETITIONER/ACCUSED

R.VIJAYAKUMAR,
SOORYA BHAVAN, MADATHUVATHUKKAL,
ARYANAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 459 OF 2007

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DATED THIS THE 31st DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in CR.No.104/06 of Excise Range, Nedumangad for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly keeping in possession of 70 litres of arrack on 8.10.2006 in an uninhabited house, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the house in question bearing No.13/269 of Aryanad Panchayat belonged to the deceased brother-in-law of the petitioner and that after the death of his brother-in-law, it is the petitioner who has been in possession of the building.

3. It is too early to accept the averments put forward before me. Anticipatory bail cannot be granted in a case of this nature. I am, therefore, inclined to give the petitioner an opportunity to surrender before the Investigating Officer, viz; Excise Inspector, Nedumangad Excise Range for the purpose of interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner

is directed to surrender before the Excise Inspector, Nedumangad on any day between 5.2.2007 and 7.2.2007 for the purpose of interrogation. He shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn